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ABSTRACT

The South Dakota Public Television Overnight Service was created to utilize the late night and early morning hours for the distribution of instructional, informational, cultural, and educational television programming throughout the state, including continuing legal education. Intended to provide a means for members of the legal profession in South Dakota to complete specified amounts of continuing education, the Continuing Legal Education (CLE) program demonstrates the application of distance education methods in a rural setting as it offers self-instructional programs on videotape recordings. The overnight service has a number of benefits for bar members participating in particular programs, the CLE Committee of the State Bar of South Dakota, and the South Dakota Public Television Overnight Service. These benefits include low cost of delivery and use, convenience and frequency of use, and increased awareness of public television broadcasting services. (DB)

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A Distance Education Approach to Continuing Legal Education in South Dakota Using Public Television Overnight Service

by

Doris Hodgen

Paper presented at the National Conference on the Adult Learner, May 28-30, 1990, Columbia, South Carolina.

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A DISTANCE EDUCATION APPROACH TO CONTINUING LEGAL EDUCATION IN SOUTH DAKOTA USING PUBLIC TELEVISION OVERNIGHT SERVICE

INTRODUCTION

Anthony Kaye (1981) in Distance Teaching for Higher and Adult Education separates the mechanics of distance education into the **course subsystem** and the **student subsystem.** He further divides the course subsystem into three components: course creation, course production, and distribution. Kaye defines distribution as "the process which takes the product from its point of production to the point at which it is available to the student." (p.20) For many professional organizations with continuing education programs the process of distance education distribution is fast becoming the delivery medium of choice for both the provider and the consumer. Home and office videotape recording of instructional programming has rapidly become a convenient and viable educational practice due to the increased ownership of home videocassette recording (VCR) equipment. According to the New York based Roper Organization, almost 80% of all U.S. households now own videocassette recorders; over 12 million VCRs were sold in 1989.

One of the organizations utilizing distance education for the benefit of its members is the Continuing Legal Education Committee of the State Bar of South Dakota. What follows here is a description of the agencies and operations involved in the distribution and delivery of continuing legal education programs

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in South Dakota and an illustration of the application of distance education methods in a rural setting. The initial attempt to deliver a distance continuing legal education program in South Dakota occurred in January 1987 approximately six months after the passage of state legislative funding for South Dakota Public Television Overnight Service.

OVERNIGHT DELIVERY SERVICE

The South Dakota Public Television Overnight Service was created to utilize the late night and early morning hours for distribution of instructional, informational, cultural, and educational programming throughout the statewide television network which covers a 77,000 square mile area. With an approximate population of 690,000 residents, South Dakota has a population density of only nine persons per square mile in contrast with its southern border state of Nebraska which also covers the same size broadcast area and has a population density of 20 persons per square mile. The concept of distributing selected programming for videotape recording and playback at a later time was conceived in August 1985 when the governor contacted the network general manager and inquired about the cost of maintaining operations in the network between midnight and 6 a.m. six days a week which were then unused or dark hours in the system. A cost estimate for operation during these hours was submitted and the governor included this figure in his FY87 budget request of $131,000 which was subsequently passed by the state legislature. The appropriated funds were for operations

costs only as the Overnight Service guidelines adopted by the state Educational Television Board state that agencies using the delivery service must assume any production or acquisition costs. In August 1986 a full time coordinator was hired and program distribution began in September 1986 with operation generally four nights per week until September 1987 when it was necessary to expand to six nights per week to accommodate the requested programming. This original distribution served three separate agencies and by March 1989 nearly fifty agencies and organizations had used Overnight Service. The utilization rates for Overnight Service hours have increased from 73.5 hours during September 1986 to 134 hours in March 1990 with an overall average of 106 hours per month.

The initial objective of the Overnight Service was to assist the state's "rural renaissance" project, an economic recovery effort for agriculture, by using state information resources to reach farmers and others in agriculturally related occupations. Another objective of Overnight is to provide a public service function by using previously dark hours on the network to distribute adult basic education programs in cooperation with a statewide educational services agency of the University of South Dakota. In recent months Overnight Service has been utilized as a delivery vehicle for outreach programming of national teleconferences to special interest groups on such topics as employment opportunities for the handicapped and educational programs in prisons.

Overnight Service is available on a first come, first served basis within the guidelines established by the state ETV Board, and is available to any group which meets criteria established in the guidelines. State agencies and professional organizations constantly face increasing demands for training and educational programs while simultaneously adjusting to decreasing budgets for such kinds of programming. South Dakota is a geographically large state with a widely scattered population and few urban centers making training both costly and time consuming for both the learners and the instructors, but targeted audiences can be easily reached by distance education programs through the statewide public television network whose signal reaches over 95% of the state's land mass. When a program is broadcast and recorded during the early morning hours it is immediately available for use the next day and any other time the viewer desires. In almost all cases programs are scheduled for an initial broadcast and a repeat broadcast within seven days as a safeguard should equipment malfunction or a prospective viewer not remember to set the recording equipment.

The procedure for using Overnight Service begins with an initial contact with the coordinator. The Overnight coordinator collaboratively works with the agency representative to identify the educational need and clarifies the educational objectives or anticipated outcomes of the program. In some cases the potential user will already have possession, access to, or an idea about the most suitable videotape or series of videotapes. If

necessary, the coordinator will conduct a search for substitute or suitable tapes from either known programming or from commercial listings of videotape sources.

CONTINUING LEGAL EDUCATION IN SOUTH DAKOTA

The State Bar of South Dakota has approximately 1200 members none of whom are required by law, professional certification or any other ordinance to complete specified amounts of mandatory continuing education. However, the Continuing Legal Education (CLE) Committee of the State Bar of South Dakota offers 10-12 continuing education programs annually with an average participation rate of 97% of the members. Since 1978 a "free" or prepaid CLE program has been conducted by The University of South Dakota School of Law on a contractual arrangement with the State Bar of South Dakota. To fund the salaries of the CLE director and administrator, program acquisitions, and general operations costs, the State Bar has allocated a portion of each member's dues contribution to the CLE fund. Generally a year's worth of CLE offerings include ten to twelve on-site, day long seminars at various locations throughout the state of South Dakota and two programs delivered to the members by means of South Dakota Public Broadcasting Overnight Service. Since January 1987 CLE offerings delivered statewide via Overnight Service have covered such topics as deposition techniques, Chapter 12 agricultural bankruptcy laws, estate planning, and jury persuasion. Initially the rationale for using Overnight Service for CLE programming was

to avoid having to cancel CLE programs during the winter months when South Dakota commonly experiences closed airports, hazardous road conditions, and lengthy blizzards which can disrupt the most organized and advanced planned workshops in a matter of hours. Currently CLE programming via Overnight is offered twice annually as an alternative delivery method for non-mandatory continuing legal education for members of the State Bar of South Dakota. Programs are chosen from commercial producers of CLE programs for those jurisdictions requiring mandatory CLE. While CLE is non-mandatory for members of the South Dakota Bar the use of accredited programs is one aspect of quality assurance.

A specific CLE program to be delivered on the South Dakota Public Television network originates when the Continuing Legal Education Committee, at one of its semi-annual meetings, selects material for future presentations. A list of possible topics is compiled by the CLE Director, usually from information received from the annual and midyear meetings of the Association of Continuing Legal Education Administrators and a bar CLE survey mailed to members generally on a biannual basis. Once a topic is decided upon and the date chosen for those programs, the CLE Director and Administrator are then responsible for creating the actual continuing legal education program. At this point the Overnight Service coordinator is contacted to reserve a time block on the Overnight program schedule for those CLE programs presented by means of the South Dakota Public Television network. The offering is then described in the state bar newsletter

instructing those interested in the particular program to contact the CLE administrator for copies of the accompanying print materials which can range from ten pages to 400 pages per program depending on the subject matter. The videotaped CLE programs have a self-directed instructional nature that does not require the return of any materials to the CLE office.

Generally the videotaped CLE programming is a six hour long presentation which the Overnight coordinator is able to schedule into one block with a repeat broadcast of the same programming usually one week later. When the CLE topic and broadcast date(s) are listed in the State Bar Newsletter, usually two to three months in advance of the program, it is also helpful for the intended audience to include a reminder to set the videotape recorder for extended play, thereby stretching a two hour tape to accommodate six hours of recording which eliminates the need for the prospective viewer to use multiple recorders or arise every two hours to insert a new tape into the machine. To date, the programs aired for CLE in South Dakota on Overnight Service have included:

Creative Tax Planning for Real Estate Transactions
Deposition Techniques in Commercial Litigation
Scientific Evidence
Advance Estate Planning For the Small Business Owner
Agricultural Loans: The New Chapter 12 Law
The Art of Jury Persuasion

Videotapes and broadcast rights of approved programming are purchased from vendors by the CLE director with the approval of the CLE Committee. Upon receipt of the tapes the CLE administrator delivers then to the South Dakota Public Television programming office in preparation for the agreed upon airing dates. Once the Overnight broadcasts are completed the tapes are returned to the CLE administrator who then has them dubbed to VHS format at the campus media center. Both sets of tapes are then incorporated into the CLE videocassette tape lending library where they are made available to all South Dakota bar members.

THE DISTANCE EDUCATION APPROACH

In "Overcoming The Distance in Community Education" Hillary Perraton (1980) defines distance education as "an education process in which a significant proportion of the teaching is conducted by someone removed in space and/or time from the learner." Holmberg (1979) states "the term 'distance education' covers the various forms of study at all levels which are not under the continuous, immediate supervision of tutors present with their students in lecture rooms or on the same premises, but which nevertheless, benefit from the planning, guidance and tuition of a tutorial organisation." In 1971 the French government adopted a law stating "distance education is education which either does not imply the physical presence of the teacher appointed to dispense it in the place where it is received or in which the teacher is present only on occasion of for selected tasks." Each of these definitions contains a common theme;

distance education is characterized by a physical separation of the instructor(s) and the intended participants. Twice yearly the on-going continuing education program of the State Bar of South Dakota practices distance education when the instructional component for a CLE program is broadcast over the SDPTV network to members of the bar. These 1200 members are scattered throughout the 77,000 square mile state easily meeting the separation criterion set forth in each definition. Because the videotape programs on Overnight Service are delayed broadcasts, as opposed to live television programming, the definition of distance education also containing a removal in time as stated by Perraton is illustrated by the South Dakota CLE programs.

In summary, the benefits of this cooperative effort between South Dakota Public Television Overnight Service and the Continuing Legal Education Committee of the State Bar of South Dakota are numerous for all. For the target audience, those bar members participating in a particular program, some of these benefits include:

a) the attainment of additional knowledge at no personal financial cost
b) taped programming may be viewed at the participant's convenience
c) taped programming may be viewed as often as desired
d) taped programming may be incorporated into personal videotape libraries

For the CLE Committee the advantages of using Overnight Service include:

a) statewide distribution of programming from a central source eliminating travel time and costs for both CLE personnel and participants
b) programs can occur without regard to weather conditions or travel restrictions
c) an alternative method of CLE programming to its clientele
d) taped programming may be used as part of a total program as introductory or follow up material

For South Dakota Public Television Overnight Service the advantages of providing the delivery of continued legal education programming include:

a) several hundred professionals become aware of South Dakota Public Broadcasting services
b) an enhanced public image
c) partial fulfillment of the network's educational/ instructional mission
d) implementation of the objective of Overnight Service to provide training for state agencies

Both South Dakota Public Television Overnight Service and the State Bar of South Dakota Continuing Legal Education Committee

look forward to a continued partnership in providing quality programming to the law practitioners in South Dakota.

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